

REMARKS

In response to the Office Action dated May 31, 2007, Applicants respectfully request reconsideration.

35 U.S.C. § 103 rejections

Claims 1-2 and 5-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,952,698 (Delaire) in view of U.S. Patent No. 6,401,097 (McCotter).

Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness under M.P.E.P. § 2143, which requires that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (Emphasis added). Applicants respectfully assert that the Examiner has not shown how Delaire or McCotter teach or suggest certain limitations of the claims. For example, there is no reference to how Delaire or McCotter teaches a volume manager that is configured to manage metadata relating to the electronic files on a volume.

Notwithstanding Applicants’ assertion that a *prima facie* case of obviousness has not been established, Delaire in view of McCotter does not teach, disclose, suggest, or make obvious a computerized file management system as recited in claim 1.

The Examiner cites various portions of Delaire as disclosing the volume manager recited in claim 1. While Delaire uses the phrase “volume manager,” the volume manager discussed in Delaire is different from the volume manager recited in claim 1. Delaire discusses a system that manages a storage area network having hosts that are coupled with storage devices via an interconnect fabric. Col. 21, ll. 33. The management of the storage area network is limited to the structure of the overall storage area network and not individual files contained therein. *See e.g. id.* at Figures 1-2, col. 21, ll. 29-44, col. 22, ll. 48-63. For example, Delaire collects information allowing it to discern the makeup, topology, and status of the storage area network and its components in order to implement policies such as assignment of a storage device to a host (i.e. not management of individual files). *Id.*, col. 22, ll. 48-56. Furthermore, while the Examiner cites to col. 54, l. 43 of Delaire as disclosing “configured to manage electronic files” the cited portion

refers to “file systems,” not individual files. In contrast to Delaire, claim 1 recites a volume manager configured to manage electronic files on a volume and to manage metadata relating to the electronic files.

Furthermore, the Examiner cites col. 57, ll. 52-65 of Delaire as teaching “configured to manage at least one of a relationship of the selected file.” The cited portion of Delaire discusses policies that are used to manage a storage area network. *Id.* at col. 57, ll. 27-31. These policies, however, relate to the operation of the storage area network itself, and not individual files contained therein. Indeed, while Delaire discusses a “maximum file size 306,” this policy is a global policy that relates to the operation of the storage area network itself, and not management of specific individual files (i.e., file size limits cannot be set for specific individual files). Furthermore, *even if* any of the discussed policies related to individual files, the cited portions of Delaire still do not discuss a relationship between individual files contained in the storage area network. In contrast to Delaire, claim 1 recites a coherency manager ... configured to manage ... a relationship of a selected file, to another file based on the metadata associated with the selected file.

Regarding McCotter, McCotter does not make up the deficiencies noted above with respect to Delaire (nor does the Examiner assert as much). Thus, for at least the reasons discussed above, claim 1 is patentable over the combination of Delaire and McCotter.

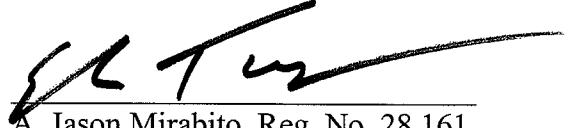
Claims 2 and 5-35, which depend from independent claim 1, are patentable for at least the same reasons discussed above with respect to independent claim 1.

Conclusion

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. If a telephone conversation with Applicant’s representative would help expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 542-6000.

The Director is hereby authorized to charge any fees which may be required 25396-004. The Director is further authorized to charge any required fee(s) under 37 C.F.R. §§ 1.19, 1.20, and 1.21 to the abovementioned Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Mirabito', is written over a horizontal line.

A. Jason Mirabito, Reg. No. 28,161

Kyle Turley, Reg. No. 57,197

Attorneys for Applicants

MINTZ, LEVIN, COHN, FERRIS,

GLOVSKY AND POPEO, PC

One Financial Center

Boston, MA 02111

Tel.: (617) 542-6000

Fax: (617) 542-2241

Customer No. 30623

Date: November 30, 2007

4193894v.1